

REMARKS

Claims 21-25 are added by this Amendment. Accordingly, claims 1-25 are all the claims pending in the application.

Claims 10-12 and 14-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by JP 2002-197833 (“Sato”)/admitted prior art. Claims 1-10 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato/admitted prior art in view of the knowledge of one of ordinary skill in the art.

Applicant’s representative telephoned Examiner Rivera on January 3, 2005 to clarify the Examiner’s use of “admitted prior art” in the rejections. Examiner Rivera stated that his use of the term admitted prior art was not meant to imply a separate reference or ground of rejection, but to convey that the Sato reference was, according to the Examiner, admitted prior art.

CLAIM AMENDMENTS

Claims 1 and 10 have been amended as shown above. Claims 21-25 have been added.

CLAIM REJECTIONS

A. 35 U.S.C. § 102 REJECTION

Claims 10-12 and 14-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by JP 2002-197833 (“Sato”). The Examiner also asserts that Sato is admitted prior art.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987); MPEP 2131. For at least the following reasons,

Applicant respectfully submits that Sato fails to teach or suggest each element of the rejected claims.

Claim 10 recites a tape cartridge having “an abutting portion provided at the brake member, the abutting portion being fabricated of metal and including an abutting surface which is capable of directly abutting against the rotating member for moving the brake member to the unlocking position at the time of insertion of the tape cartridge.” (emphasis added). Such an abutting portion is neither taught nor suggested by Sato.

As each of claims 11-12 and 14-20 depend, either directly or indirectly, from claim 10, Applicant respectfully submits that these claims are patentable at least based on their respective dependencies.

B. 35 U.S.C. § 103 REJECTION

Claims 1-10 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of the knowledge of one of ordinary skill in the art. The Examiner also asserts that Sato is admitted prior art. For at least the following reasons, Applicant respectfully traverses this rejection.

Claim 1 recites:

A tape cartridge which is insertable at a tape drive which includes a rotating member and carries out at least one of reading and writing of data, the tape cartridge comprising:

a reel inside the tape cartridge, the rotating member of the tape drive being engageable with the reel at a time of insertion of the tape cartridge, for transmitting rotary driving force to the reel;

a brake member having a protruding portion, the brake member being reciprocally movable between a locking position for prohibiting rotation of the reel and an unlocking position for enabling rotation of the reel; and

a release pad having a protruding portion, the release pad being capable of engaging with the rotating member and abutting against the brake member for moving the brake member to the unlocking position,

wherein a rubbing surface which is provided on the protruding portion of the brake member and abuts a rubbing surface provided on the protruding portion of the release pad is formed of metal and includes a convexly curved surface with a spherical radius of at least 3 mm, and the rubbing surface of the release pad is formed of resin and is formed as a flat surface.

Applicant submits that Sato either alone or in combination with the knowledge of one of ordinary skill in the art fails to teach or suggest a tape cartridge as recited in claim. For example, Sato fails to disclose “a brake member having a protruding portion.” Sato also fails to disclose a release pad having a protruding portion. The knowledge of one of ordinary skill fails to cure these deficiencies in Sato. Accordingly, Applicant submits that claim 1 is patentable over the cited art.

As claims 2-9 depend on claim 1, Applicant submits that these claims are patentable at least based on their respective dependencies. Applicant submits that claim 10 is patentable over Sato for at least the reasons discussed above with respect to the Examiner’s 35 U.S.C. § 102 rejection. As claim 13 depends on claim 10, Applicant submits that claim 13 is patentable at least based on this dependency.

Amendment Under 37 C.F.R § 1.111
US Appln No.: 10/735,773
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CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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